

7-1



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

*Promoting the wise use of land
Helping build great communities*

MEETING DATE October 3, 2005		CONTACT/PHONE Stephanie Fuhs (805) 781-5721		APPLICANT Servtec Investments, LLC		FILE NO. COAL 04-0503 SUB2004-00166	
SUBJECT Hearing to consider a request by Servtec Investments LLC for a Lot Line Adjustment to adjust the lot lines between three parcels of 7.1, 10.6 and 82.8 acres each. The adjustment would result in three parcels of 20.2, 40.1 and 40.2 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located on the east side of Thompson Avenue, approximately one mile south of the Tefft Street/Thompson Road intersection, approximately ½ mile south of the community of Nipomo, in the South County (Inland) planning area.							
RECOMMENDED ACTION Deny Lot Line Adjustment COAL 04-0503 based on the findings listed in Exhibit A.							
ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), and Guidelines Section 15042, which provides that CEQA does not apply to a project which a public agency rejects or disapproves.							
LAND USE CATEGORY Agriculture		COMBINING DESIGNATION Flood Hazard		ASSESSOR PARCEL NUMBER 090,171,022		SUPERVISOR DISTRICT(S) 4	
PLANNING AREA STANDARDS: None applicable							
LAND USE ORDINANCE STANDARDS: 22.22.040 – Agriculture land use category minimum parcel sizes							
EXISTING USES: Undeveloped							
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Dry grain farming, grazing <i>South:</i> Agriculture/Dry grain farming, grazing <i>East:</i> Agriculture/Dry grain farming, grazing <i>West:</i> Recreation/Dana Adobe property							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Council, Public Works, Environmental Health, Ag Commissioner, Olde Towne Nipomo Association							
TOPOGRAPHY: Gently sloping				VEGETATION: Grasses, forbs, riparian vegetation, oaks			
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF				ACCEPTANCE DATE: March 15, 2005			

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between three legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
7.1 acres	20.2 acres
10.6 acres	40.1 acres
82.8 acres	40.2 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances. In this case, staff has determined that the project will not be equal to, or better than the existing parcel configuration based on the sustainability of and suitability for agriculture on the project site.

The project was referred to the Agricultural Commissioners office. When the Agricultural Commissioners office reviews projects, their determination on whether or not to support a project is based on several factors, including: 1) determining if the project improves agriculture or does not adversely impact agricultural potential on parcels, the configuration of the existing and proposed property lines, 2) the presence of agriculturally productive soils, 3) the eligibility of the resulting parcels for agricultural preserve contracts, and 4) any other issues creating incompatibility with agriculture. This evaluation includes determining compliance with policies contained within the Agriculture and Open Space Element of the County's General Plan and the Real Property Division Ordinance (Title 22). In a referral response dated March 14, 2005, it was determined that the proposed parcels are worse than the existing parcels based on the following reasons:

1. The proposed configuration follows topographic features on the site, but does not appear to enhance the overall agricultural potential on the site. The existing 80+-acre parcel provides the best opportunity to support long-term agricultural production on this site whether it continues to be dry-farmed or if a sustainable water source were developed. The proposed adjustment would remove 30 acres of the most capable soils from the largest current parcel and enlarge the existing small parcels. By reconfiguring the parcels, none of the proposed parcels would have adequate agricultural potential to support a sustainable agricultural operation based on the lack of a developed water source. The amount of land available for production agriculture would be reduced on the largest parcel. There appears to be no agricultural benefit from the proposed lot line adjustment.
2. The proposed configuration reduces the amount of agriculturally productive soils on the southern parcel by approximately 43 acres. Approximately 20 acres of land removed from the larger parcel has been used for production in the past and appears capable of agricultural intensification if adequate water resources were developed.
3. The current and proposed parcels do not appear to qualify for an agricultural preserve due to a lack of acreage and intensified agricultural uses.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance requires that a determination to be made that the proposed situation is equal to or better than the existing situation. Because the proposed parcel sizes do not meet minimum parcel sizes as set through the General Plan, and currently one of the parcels (Parcel 3 – Certificate 2004-071056) does meet the minimum parcel size for Class III soils, in addition to the reasons listed above, staff has concluded that the adjustment is inconsistent with both state and local law.

LEGAL LOT STATUS:

The three lots were legally created by certificates of compliance at a time when that was a legal method of creating lots.

FINDINGS - EXHIBIT A

Lot Line Adjustment

- A. The proposed Lot Line Adjustment is inconsistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the reconfigured parcels are not equal to or better than the existing configuration based on the following determinations:
1. The proposed configuration follows topographic features on the site, but does not enhance the overall agricultural potential on the site. The existing 80+-acre parcel provides the best opportunity to support long-term agricultural production on this site whether it continues to be dry-farmed or if a sustainable water source were developed. The proposed adjustment would remove 30 acres of the most capable soils from the largest current parcel and enlarge the existing small parcels. By reconfiguring the parcels, none of the proposed parcels would have adequate agricultural potential to support a sustainable agricultural operation based on the lack of a developed water source. The amount of land available for production agriculture would be reduced on the largest parcel. There appears to be no agricultural benefit from the proposed lot line adjustment.
 2. The proposed configuration reduces the amount of agriculturally productive soils on the southern parcel by approximately 43 acres. Approximately 20 acres of land removed from the larger parcel has been used for production in the past and appears capable of agricultural intensification if adequate water resources were developed.
 3. The current and proposed parcels do not appear to qualify for an agricultural preserve due to a lack of acreage and intensified agricultural uses.
 4. Reducing the size of the 80+ acre parcel to 40 acres and enlarging the 7 and 10 acre parcels to 20 and 40 acres, increases the per acre value of the property, thereby further reducing the agricultural viability for the parcels.
 5. One parcel (Parcel 3 - Certificate 2004-071056) currently meets the minimum parcel size for Class III soils. If adjusted to 40 acres, the parcel would be below the minimum parcel size based on land capability (soil type).
- B. The proposal will have an adverse effect on adjoining properties, roadways, public improvements, or utilities because if the parcels were adjusted as proposed, the agricultural viability of the site would be lessened increasing the likelihood of higher levels of development on this property and potentially on surrounding similar agriculturally zoned lands. Because the site adjoins the historic Dana Adobe property, higher levels of development could adversely impact the historic setting that the community desires to protect.

CEQA Exemption

- C. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), and Guidelines Section 15042, which provides that CEQA does not apply to projects which a public agency rejects or disapproves.



7-5 

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

11/10/04

FROM

PW



South Co. Team
(Please direct response to the above)

Servtec Invest.

SUB2004-00166
Project Name and Number

Development Review Section (Phone: 781-788-2009) ()

PROJECT DESCRIPTION:

COAL 04-0503. LLA to adjust the lines between 3 parcels to increase the overall size of the 2 upper parcels. See MAP. Located off S. Thompson Ave., in Nipomo. APN: 090-171-022

Return this letter with your comments attached no later than:

11/25/2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL — THEY ARE PROBABLY NOT SIGNIFICANT BUT THERE ARE TWO EASEMENTS ON TITLE REPORT NOT REFLECTED ON THE MAP. ONE IS A PHONE EASEMENT THE OTHER IS A PIPE/LINE EASEMENT. NO OTHER CONCERNS.

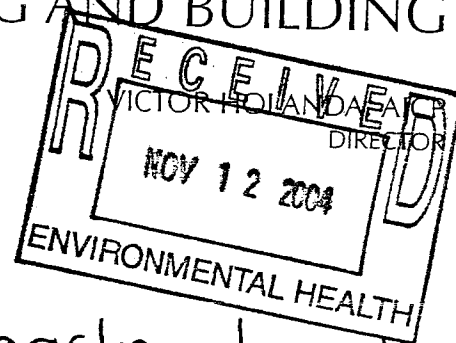
22 Nov 2004
Date

GOODWIN
Name

5252
Phone



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



THIS IS A NEW PROJECT REFERRAL

DATE: 11/10/04
TO: Env. Health
FROM: South Co. Team
(Please direct response to the above)

Servtec Invest.

SUB2004-00166
Project Name and Number

Development Review Section (Phone: 781- 788-2009)

PROJECT DESCRIPTION: COAL: 04-0503. LLA to
adjust the lines between 3 parcels to increase
the overall size of the 2 upper parcels. See map.
located off S. Thompson Ave., in Nipomo. APN: 090-171-

Turn this letter with your comments attached no later than: 11/25/2004 022

Part I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES (Please go on to Part II)
NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

Part II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO (Please go on to Part III)
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

Part III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Since lots are vacant County Environmental Health
has no concerns at this time

L. Salo
Name

781-5551
Phone



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
 ROBERT F. LILLEY (805) 781-5910
 AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: March 14, 2005

TO: Stephanie Fuhs, South County Planning Team

FROM: Michael J. Isensee, Agricultural Resource Specialist *mqd*

SUBJECT: Servtec Investments Lot Line Adjustment Sub2004-00166 (Ag Dept #0972)

Summary of Findings

The Agriculture Department's review of the proposed Servtec Lot Line Adjustment (LLA) finds that **the proposed parcels are worse than** the existing parcels and configuration. The County Department of Agriculture supports lot line adjustments that either improve agriculture or do not adversely impact agricultural potential on parcels involved in the adjustment, utilizing the agricultural policies of the Agriculture and Open Space Element of the County General Plan; Title 21, the Real Property Division Ordinance (§21.02.030(c)); and a review of the potential impacts to agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

The existing configuration of the approximately 10.8, 7.1, and 82.8 acres is more protective of agricultural resources than the proposed reconfiguration to 40.2, 20.2 and 40.1 acres because the existing configuration of the parcels provides sufficient land resources and numerous agricultural opportunities on the southernmost parcel (cert#: 2004071056) that would be reduced by the proposed expansion and reconfiguration of the other parcels (#2004071054 and #2004071055). Further, the proposed parcel configuration does not offer adequate land resources on any of the parcels to allow for the long-term sustainability of an agricultural operation.

Comments and recommendations in this report are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture. If you have any additional questions, I can be reached at 781-5753.

INTRODUCTION

The project property is located off South Thompson Avenue approximately one-half mile from the urban reserve line of Nipomo. The former Pacific Coast Railway right of way (ROW) and Nipomo Creek runs along the southwest side of the project site. The project site is located on Agriculture-zoned property and is surrounded by Agriculture zoning on the north, east and south. On the west of the railway ROW is the Nipomo urban reserve area and, specifically, the Dana Adobe site.

The applicant is requesting a lot line adjustment (LLA) between three parcels that were approved in 2004 through the certificate of compliance process. The rationale for the LLA is to "provide better land usability." There are currently no residences or structures on the project site.

AGRICULTURAL RESOURCES

The site consists primarily of class III nonirrigated soils. These soils represent good dry-farming or rangeland soil types. The existing parcels contains the following soil types and capability classifications and approximate acreages:

Soil Type	Percent Slope	Irrigated Classification	Nonirrigated Classification	Cert 70154 10.6 acres	Cert 70155 7.1 acres	Cert 70156 82.8 acres
Marimel Silty Clay Loam	NA	I-Prime	III	1.5	0.2	1.4
Diablo Clay	5-9	II-Prime	III	-	-	13.4
Zaca Clay	9-15	III	III	9.1	6.9	47.8
Diablo & Cibo Clays	9-15	III	III	-	-	7.3
Tierra Loam	15-30	NA	IV	-	-	13.2

The proposed parcels would have the following approximate acreage of each soil type:

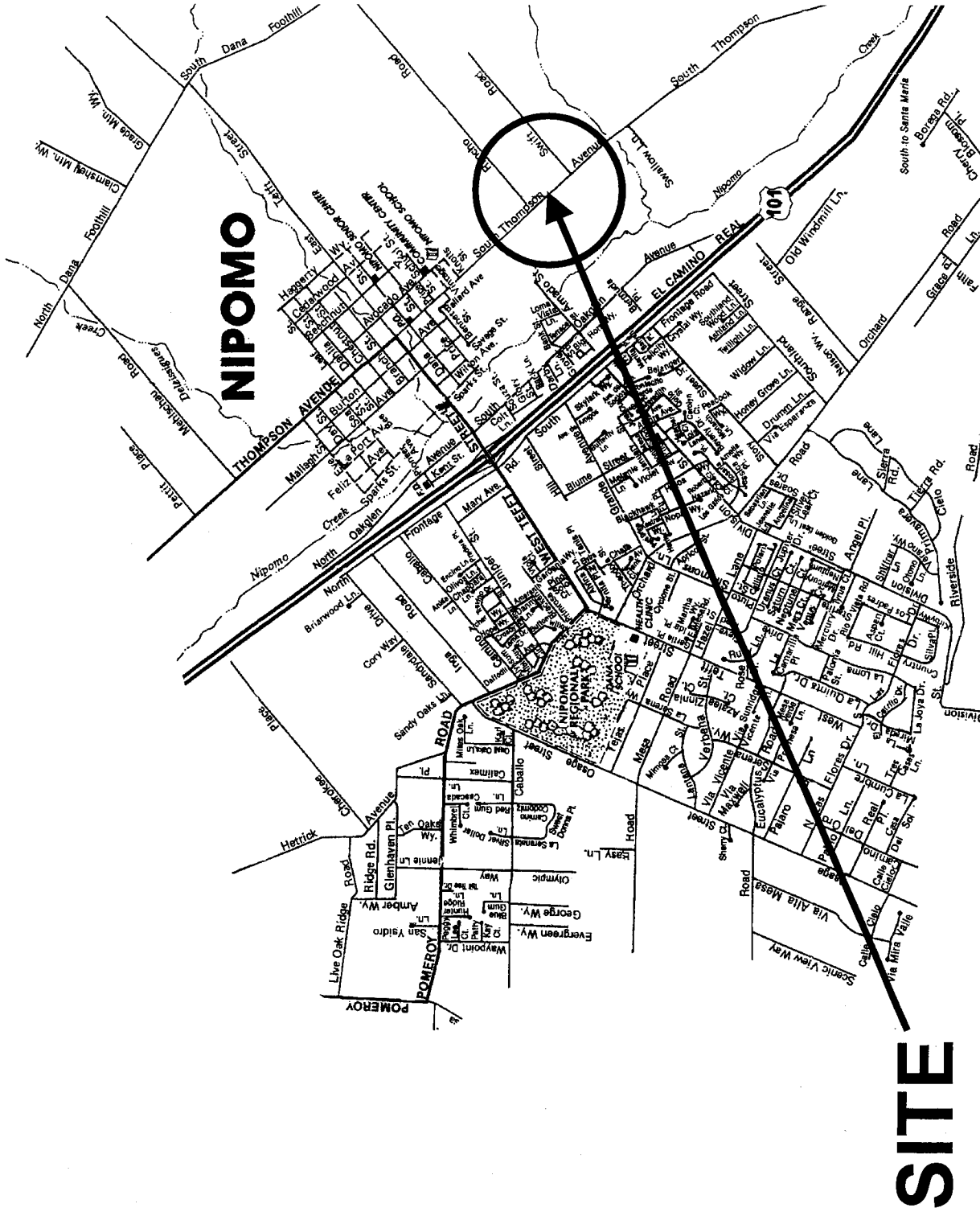
Soil Type	Percent Slope	Irrigated Classification	Nonirrigated Classification	Parcel 1 40.2 acres	Parcel 2 20.2 acres	Parcel 3 40.1 acres
Marimel Silty Clay Loam	NA	I-Prime	III	2.3	0.7	0.1
Diablo Clay	5-9	II-Prime	III	-	-	13.4
Zaca Clay	9-15	III	III	37.9	19.6	6.2
Diablo & Cibo Clays	9-15	III	III	-	-	7.3
Tierra Loam	15-30	NA	IV	-	-	13.2

The site has traditionally been utilized for either grazing or dry-land farming. The higher portions of the property could likely support intensified row crops or orchards if an adequate water resource was developed. According to pesticide use reports, 20 acres of peas were grown on the site of the existing large parcel in 2001 and 16 acres in 2002. An agricultural production well was installed prior to the planting of these crops. It produced large water quantities for two seasons but failed late in the 2002 season. At this time it is unclear if there is any sustainable water source that could be developed in order to intensify the agricultural use on the project site.

EVALUATION

The Agriculture Department evaluates lot line adjustments (LLAs) based on several factors, including 1) the configuration of the existing and proposed property lines, 2) the presence of agriculturally productive soils, 3) the eligibility of the resulting parcels for agricultural preserve contracts, and 4) any other issues creating incompatibility with agriculture. For a LLA to be considered equal to or better than the existing configuration, each factor should be equal to or better than the existing configuration.

1. The proposed configuration follows topographic features on the site, but does not appear to enhance the overall agricultural potential on the site. The existing 70-acre parcel provides the best opportunity to support long-term agricultural production on this site whether it continues to be dry-farmed or if a sustainable water source were developed. The proposed LLA would remove 30 acres of the most capable soils from the largest current parcel and enlarge the existing small parcels. By reconfiguring the parcels, none of the proposed parcels would have adequate agricultural potential to support a sustainable agricultural operation based on the lack of a developed water source. The amount of land available for production agriculture would be reduced on the largest parcel. There appears to be no agricultural benefit from the proposed LLA. *In this regard the proposed LLA is worse than the existing configuration.*
2. The proposed configuration reduces the amount of agriculturally productive soils on the southern parcel by approximately 43 acres. Approximately 20 acres of land removed from the larger parcel has been utilized for production in the past and appears capable of agricultural intensification if adequate water resources were developed. *In this regard the proposed LLA is worse than the existing configuration.*
3. The current and proposed parcels do not appear to qualify for an agricultural preserve due to a lack of acreage and intensified agricultural uses. *In this regard the proposed LLA is equal to the existing configuration.*



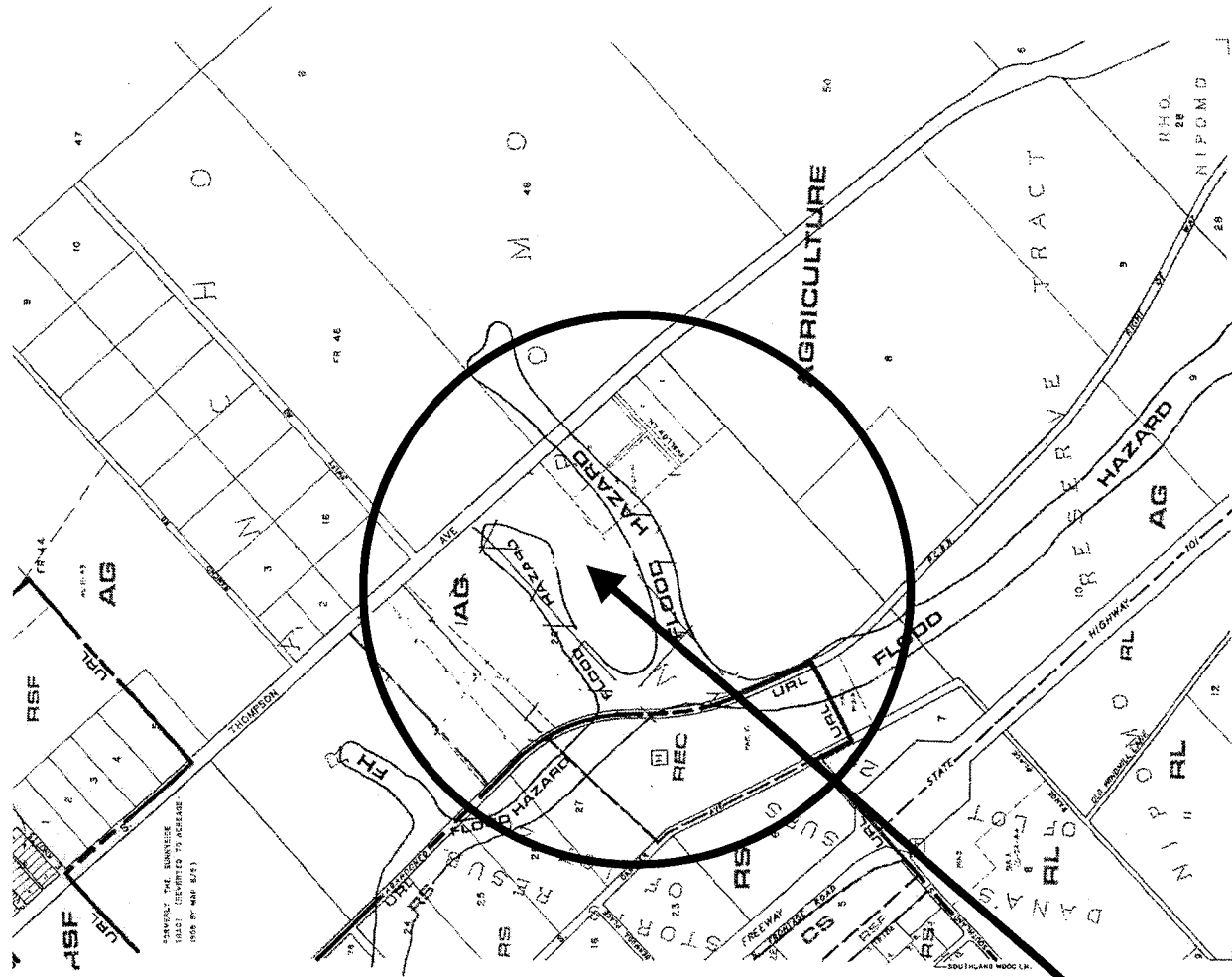
PROJECT

Lot Line Adjustment
Servtec Investments, LLC SUB2004-00166

EXHIBIT

Vicinity Map





SITE

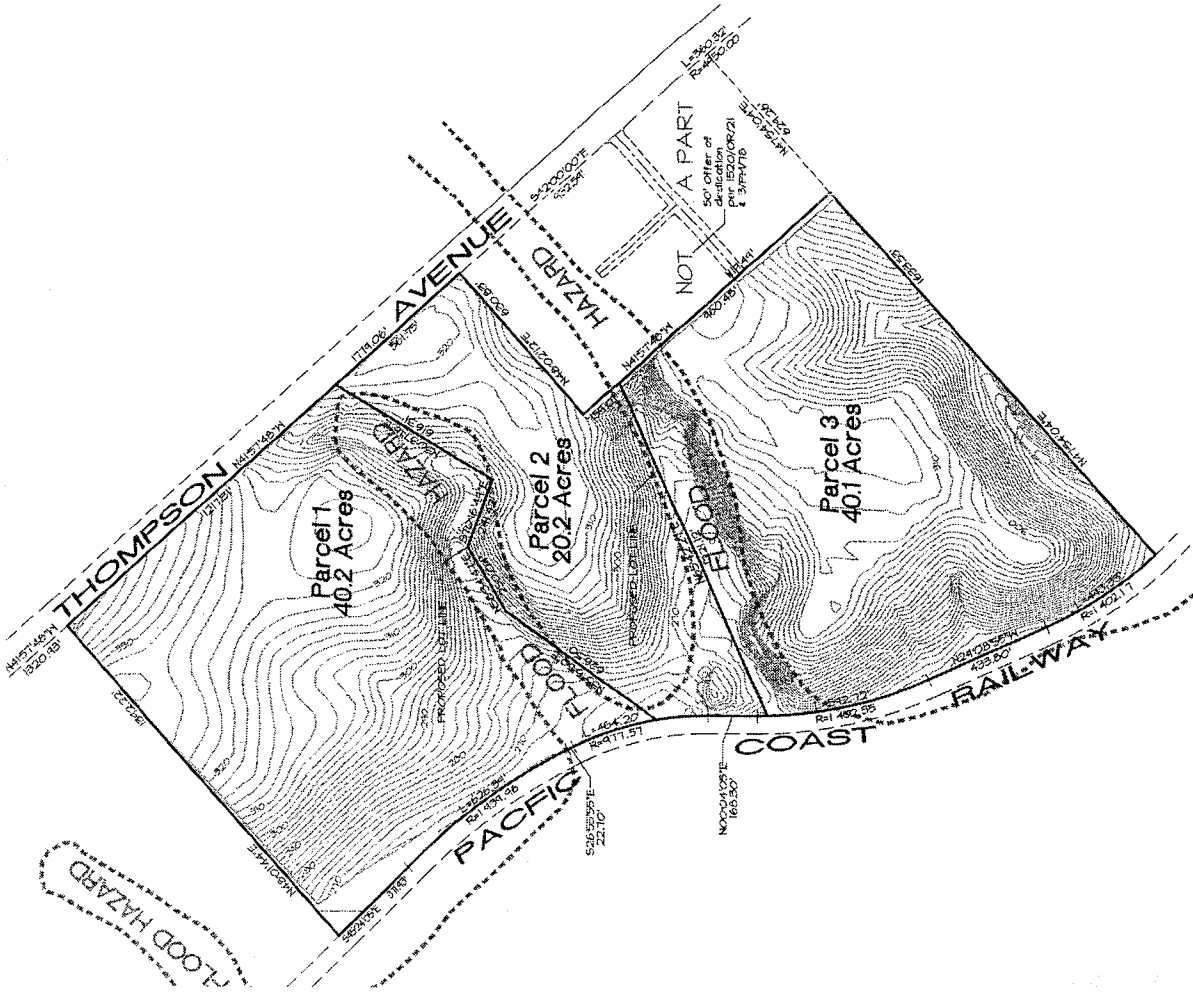
PROJECT

Lot Line Adjustment
Servtec Investments, LLC SUB2004-00166



EXHIBIT

Land Use Category



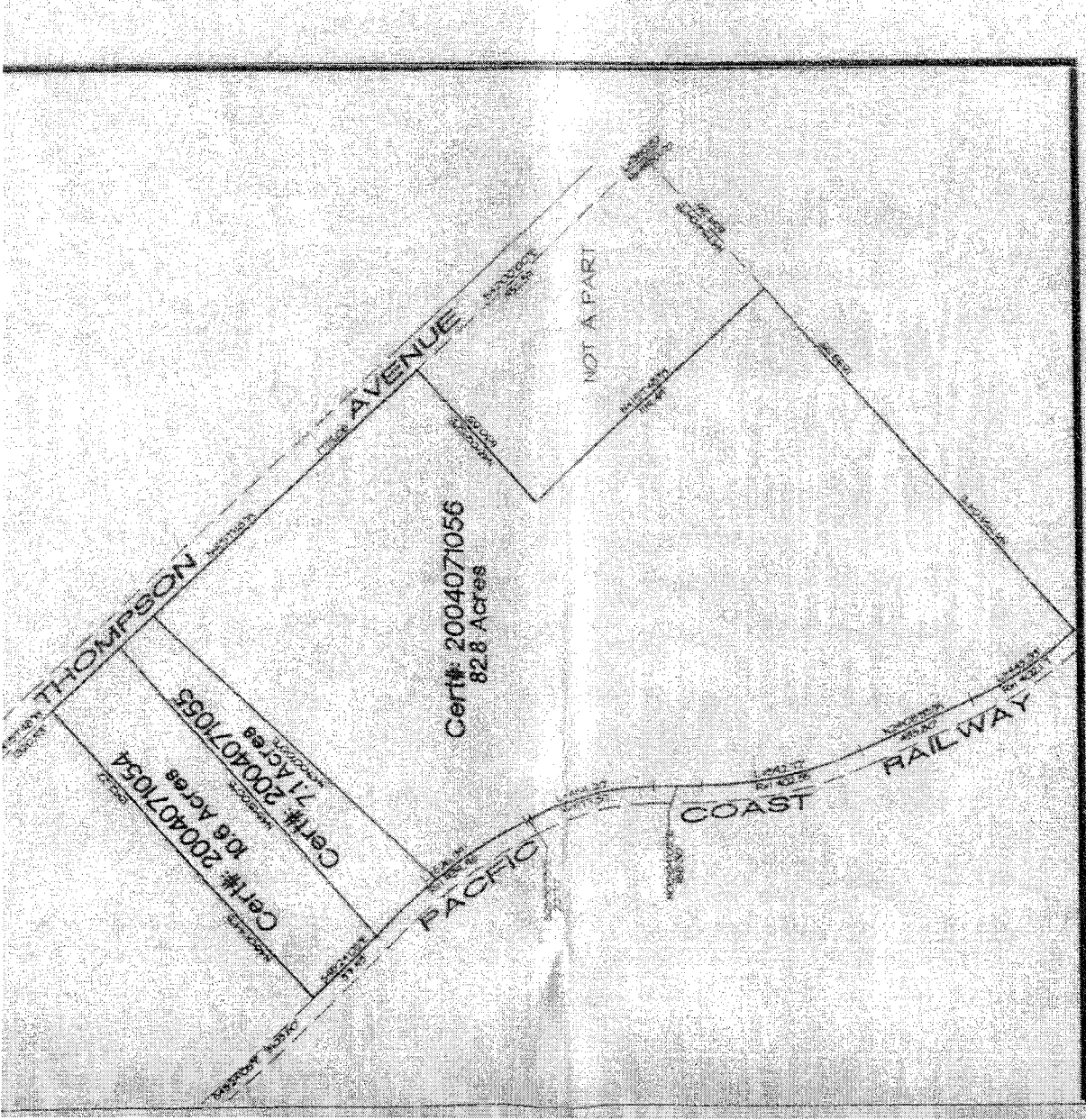
PROJECT

Lot Line Adjustment
Servtec Investments, LLC SUB2004-00166

EXHIBIT

Site Plan





PROJECT

Lot-Line Adjustment
Servtec Investments, LLC SUB2004-00166



EXHIBIT

Existing lot configuration

